

Patrick C. Wylie, OSB No. 085187

Email: pwylie@davisrothwell.com

Pedro R. Zugazaga, OSB No. 151642

Email: kzugazaga@davisrothwell.com

DAVIS ROTHWELL EARLE & XÓCHIHUA P.C.

200 S.W. Market Street, Suite 1800

Portland, Oregon 97201

Tel: (503) 222-4422

Fax: (503) 222-4428

Of Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON - PORTLAND DIVISION

LARRY R. GEORGE,

Plaintiff,

Case No. 3:22-cv-01975

v.

INTEL CORPORATION, a foreign
corporation, and SKANSKA USA BUILDING
INC., a Delaware corporation,

Defendants.

**NOTICE OF REMOVAL TO
FEDERAL COURT PURSUANT
TO 28 U.S.C. §§ 1332, 1441 and 1446
BY DEFENDANTS INTEL
CORPORATION AND SKANSKA
USA BUILDING INC.**

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON
AND TO PLAINTIFF LARRY R. GEORGE AND HIS ATTORNEYS OF
RECORD**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§1332, 1441 and 1446,

Defendants Intel Corporation and Skanska USA Building Inc. hereby remove to this Court the
case now pending in Multnomah County Circuit Court as *Larry R. George v. Intel Corporation
and Skanska USA Building Inc.*, Case No. 22CV40729.

STATEMENT OF FACTS

1. On November 30, 2022, Plaintiff Larry George filed Multnomah County Circuit Court Case No. 22CV40729 against Intel Corporation (hereinafter “Intel”) and Skanska USA Building Inc. (hereinafter “Skanska”), and hereinafter collectively referred to as Defendants.

2. Intel was served with Summons and Complaint on December 6, 2022. Skanska was also served with Summons and Complaint on December 6, 2022.

GROUND FOR REMOVAL

As grounds for removal, Defendants state as follows:

3. 28 U.S.C. § 1441(a) provides “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States . . .” This court has original jurisdiction over all civil actions where the matter in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. § 1332(c)(1). For purposes of diversity jurisdiction, a corporation is “deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business” This action may be removed pursuant to 28 U.S.C. § 1441 because the action involves a controversy between citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. Plaintiff was, when he filed his complaint, and is now, a citizen and resident of the State of Oregon. Plaintiff alleges money damages in the amount of \$2,405,000.

5. Intel was, at the time of the filing of the complaint, incorporated in Delaware and its principal place of business is in California.

6. Skanska was, at the time of filing of the Complaint, incorporated in Delaware, and its principal place of business is in New Jersey.

7. The above statements of citizenship were true at the time of the filing of the Complaint and at the time of removal.

8. At the time of the filing of the original Complaint complete diversity existed between the parties.

9. At the time of removal, complete diversity still exists between the parties.

10. In compliance with 28 U.S.C. 1446(a), attached hereto as Exhibit A are copies of all processes, pleadings, and orders served on or otherwise provided to Defendants in the Multnomah County proceeding to date.

TIMELIENESS OF REMOVAL

11. This action is timely under 28 U.S.C. § 1446(a), which provides that notice of removal must be filed within 30 days after a defendant receives, by service or otherwise, the initial pleading.

VENUE

12. Venue of this action is proper in the Portland Division of the District of Oregon as this is the district and division in which the State court action is pending. 28 U.S.C. § 1446(a).

NOTICE OF REMOVAL TO STATE COURT

13. Defendants certify that a true and correct copy of this Notice of Removal to Federal Court will promptly be filed with the Clerk of the Circuit Court of the State of Oregon for Multnomah County pursuant to 28 U.S.C. § 1446(d).

NOTICE TO PLAINTIFF

14. Defendants will promptly serve written notice of this filing on counsel for Plaintiff as required by 28 U.S.C. § 1446(d).

NON-WAIVER OF DEFENSES

15. By removing this action from the Multnomah County Circuit Court of the State of Oregon, Defendants do not waive any defenses available to it or admit any of the allegations in Plaintiff's Complaint. Further, Defendants reserve the right to amend or supplement this Notice of Removal.

CONCLUSION

16. This Court has jurisdiction over these claims under 28 U.S.C. § 1332. Therefore, this action may be removed to this court pursuant to 28 U.S.C. §§1441 and 1446.

17. If any questions arise as to the propriety of the removal of this action, Defendants respectfully request the opportunity to present a brief, with supporting evidence, and requests oral argument supporting the removal of this action.

18. This notice of removal is signed pursuant to FRCP 11.

WHEREFORE, Defendants pray that this civil action be removed from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon.

DATED this 22nd day of December, 2022.

DAVIS ROTHWELL
EARLE & XÓCHIHUA P.C.



Patrick C. Wylie, OSB No. 085187

E-mail: pwylie@davisrothwell.com

Pedro R. Zugazaga, OSB No. 151642

Email: kzugazaga@davisrothwell.com

**DAVIS ROTHWELL EARLE &
XÓCHIHUA P.C.**

200 S.W. Market Street, Suite 1800

Portland, Oregon 97201

Tel: (503) 222-4422

Fax: (503) 222-4428

CM/ECF CERTIFICATE

I hereby certify that on December 22, 2022, I filed **NOTICE OF REMOVAL TO
FEDERAL COURT PURSUANT TO 28 U.S.C. §§ 1332, 1441 and 1446 BY
DEFENDANTS INTEL CORPORATION AND SKANSKA USA BUILDING INC.**

electronically through CM/ECF system, which caused the following parties or counsel to be
served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Paul S. Bovarnick, OSB #791654
Rose, Senders & Bovarnick, LLC
1205 NW 25th Avenue
Portland, OR 97210
pbovarnick@rsblaw.net
Portland, OR 97204
Telephone: (503) 227-2486
Facsimile: (503) 877-1768
Of Attorneys for Plaintiff

DATED this 22nd day of December, 2022.

DAVIS ROTHWELL
EARLE & XÓCHIHUA, P.C.



Patrick C. Wylie, OSB No. 085187
pwylie@davisrothwell.com
Pedro R. Zugazaga, OSB No. 151642
kzugazaga@davisrothwell.com
Of Attorneys for Defendants Intel Corporation and
Skanska USA Building Inc.

11/30/2022 3:17 PM
22CV40729

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

LARRY R. GEORGE,

Plaintiff,

v.

INTEL CORPORATION, a
Delaware corporation, and
**SKANSKA USA BUILDING
INC.,** a Delaware corporation,

Defendants.

No.

COMPLAINT

PERSONAL INJURIES -
EMPLOYER LIABILITY LAW (ORS
654.305) - OREGON SAFE
EMPLOYMENT ACT (ORS
654.310) - NEGLIGENCE

Amount Sought: \$2,405,000

Filing fee per ORS 21.160(1)(d):
\$884.00

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION**

Plaintiff alleges:

1.

At all times material hereto, Defendant Skanska USA Building Inc. (hereinafter "Skanska") was a Delaware corporation, with a principal place of business in Parsippany, New Jersey. Defendant Skanska operates regional offices located at 222 SW Columbia Street, Suite 300, Portland, Multnomah County, Oregon. Defendant Skanska is authorized to do and doing business in the State of Oregon as a general contractor overseeing commercial construction projects, including Defendant Intel's "WTR 1" jobsite at its facilities located at Ronler Acres, Hillsboro, Oregon.

2.

At all times material hereto, Defendant Intel Corporation (hereinafter "Intel") was an active Delaware corporation, with a principle place of business located in Santa

1 Clara, California. Defendant Intel is authorized to do and doing business in the State of
2 Oregon, designing and manufacturing technological equipment, including the
3 construction of facilities to carry out its business. Defendant Intel is the owner and
4 developer of the WTR 1 project.

5 3.

6 Plaintiff Larry R. George was an Oregon resident and an employee of OEG, Inc.,
7 doing business as Oregon Electric Group, a subcontractor of Defendant Skanska for
8 the WTR 1 project.

9 4.

10 On or about February 18, 2021, Plaintiff was working in the course and scope of
11 his employment for OEG, Inc. when winter weather caused snow and ice to accumulate
12 at Defendants' WTR 1 jobsite.

13 5.

14 Defendants did not arrange for the removal of snow or ice at the WTR 1 jobsite,
15 or otherwise take action to prevent individuals from working in snow or ice. As a result,
16 Plaintiff fell in the slippery snow and ice, suffering injuries as hereinafter alleged.

17 6.

18 As a direct result of the negligence of Defendants, and each of them, by and
19 through their employees and/or agents, either actual or apparent, Plaintiff slipped in the
20 ice and snow at the WTR 1 jobsite causing tears to his right lateral and medial menisci,
21 which required surgery. Plaintiff continues to suffer severe pain, stiffness, weakness,
22 reduced range of motion, limited mobility, and sleeplessness. Plaintiff's injuries are
23 permanent and progressive, and have interfered with his ability to carry out daily
24 activities, and limited his ability to enjoy recreational activities. Plaintiff has been
25 rendered sick, sore, nervous, frustrated, and upset, all to his non-economic damages of
26 \$1,000,000.

1 7.

2 As a result of the negligence of defendants, and each of them, Plaintiff has
3 incurred medically-related bills to date in the approximate sum of \$30,000, and will
4 require future medical treatment in the amount of \$50,000, all to his economic
5 damages.

6 8.

7 As a result of the negligence of defendants, and each of them, Plaintiff has lost,
8 and will continue to lose, wages, income, and benefits from his work in the approximate
9 sum of \$750,000, will incur expenses in the amount of \$75,000 for retraining and has
10 suffered an impairment of his earning capacity in the amount of \$500,000, all to his
11 economic damages.

12 **FIRST CLAIM FOR RELIEF**

13 **Count I**

14 **Employer Liability Law - Violation ORS 654.305**

15 9.

16 The work Plaintiff was engaged in was work involving risk or danger.

17 10.

18 At the time of Plaintiff's injury, his employer and defendants, and each of them,
19 were engaged in a common enterprise within the meaning of the Employer Liability Law
20 in that Plaintiff's employer and one or all of the defendants were each engaged in work
21 which would result in the completion of the above-described construction project and
22 defendants, and each of them, had control of and responsibility for the risk-producing
23 activity or condition.

24 11.

25 At the time of Plaintiff injury, defendant, and each of them, retained the right to
26 control, and actually controlled, the work and jobsite conditions causing harm to

1 Plaintiff.

2 12.

3 At the time of Plaintiff's injury, defendants, and each of them, were negligent in
4 failing to use every device, care and precaution which was practicable to use for the
5 protection and safety of employees. Specifically, defendants, and each of them, were
6 negligent in one or more of the following particulars:

7 (a) In failing and/or neglecting to arrange for the removal of snow or ice at the
8 WTR 1 jobsite on February 18, 2021;

9 (b) In failing and/or neglecting to close the WTR 1 jobsite as snow and ice
10 accumulated on February 18, 2021;

11 (c) In failing and/or neglecting to provide workers, including Plaintiff, with
12 personal protective equipment and materials for winter weather hazards
13 like snow and/or ice at the jobsite;

14 (d) In failing and/or neglecting to ensure the construction site was inspected
15 by a qualified inspector on February 18, 2021, and remedy deficiencies or
16 unsafe conditions which would be found by such an inspection.

17 13.

18 As a result of the negligence of defendants, and each of them, Plaintiff was
19 injured as alleged and damaged as alleged.

20 15.

21 Defendants negligent acts constitute violations of ORS 654.305. Plaintiff is a
22 member of the class of persons meant to be protected by the statute alleged. The
23 injuries Plaintiff has suffered are of the type the statutes were enacted to prevent.

24 ////

25 ////

26 ////

Count II

Employer Liability Law - Violation of ORS 654.310

11.

Plaintiff re-alleges and incorporates paragraphs 9-11 and further alleges:

12.

Defendants, and each of them, violated one or more of the following rules and regulations made as prescribed by the Oregon Department of Consumer and Business Services, the violation of which caused Plaintiff's injuries:

(a) Defendants required Plaintiff to work in surroundings or under working conditions that were hazardous or dangerous to his health and safety in violation of OAR 437-001-0760(1) and 29 CFR §1926.20(a)(1);

(b) Defendants failed and/or neglected to ensure that the jobsite and place of employment was inspected by a qualified person on February 18, 2021, and failed to remedy unsafe conditions found or which should have been found by such inspection, in violation of OAR 437-001-0760(7) and 29 CFR §1926.20(b)(2);

(c) Defendants failed and/or neglected to provide appropriate personal protective equipment and materials to jobsite employees for hazardous conditions, including snow and ice, in violation of OAR 437-001-0760(1)(a-e) and 29 CFR §1926.28(a); and

(d) Defendants failed and/or neglected to implement or enforce health hazard control measures necessary to protect jobsite employees from hazardous conditions such as snow and ice, in violation of OAR 437-001-0760(1)(c).

13.

Violations of those regulations constituted a violation of ORS 654.310.

////

14.

These regulations were passed to protect individuals in the status of Plaintiff and were passed to prevent the type of injuries Plaintiff sustained.

Count III

Negligence Per Se - Violation of Oregon Safe Employment Act

15.

Plaintiff re-alleges and incorporates paragraphs 11-14.

16.

At all material times, defendants, and each of them, were employers in charge of and responsible for the work involving a risk or danger to plaintiff. The worksite at which plaintiff was working was a “place of employment” as defined in ORS 654.005(8), part of the Oregon Safe Employment Act (“OSEA”). The worksite was a fixed or movable place where an employee worked temporarily or permanently, where a process, operation, or activity related, either directly or indirectly, to an employer’s industry, trade, business, or occupation.

17.

Defendants, and each of them, were owners, as that term is defined in ORS 654.005(6), in that each of them had ownership, control, and/or custody of that location.

18.

Defendants, and each of them, were employers, as that term is defined in ORS 654-005(6), in that each of that had one or more employees.

19.

By violating one or more of the safety codes set forth in paragraph 14 above, defendants, and each of them failed, to comply with every order, decision, direction, standard, rule, or regulation made or prescribed by the department in connection with the materials specified in ORS 654.001- 654.295 and 654.750 to 654.780, or in any

1 way relating to or affecting places of employment and failing to do everything necessary
2 or proper in order to secure compliance with and observance of every such order,
3 decision, direction, standard, rule or regulation, as required by ORS 654.022.

4 20.

5 As a result of Defendants' violations of the OSEA in one or more of the
6 particulars above, Plaintiff suffered the injuries alleged above.

7 **Count IV**

8 Negligence

9 21.

10 Defendants were negligent as alleged in paragraph 12 above.

11 22.

12 As a foreseeable result of Defendants' negligence, Plaintiff suffered the injuries
13 alleged above.

14
15 WHEREFORE, Plaintiff prays for judgment against Defendants in the amount of
16 \$1,405,000 economic damages, \$1,000,000 non-economic damages, for his costs and
17 disbursements incurred herein, and for such other relief as the court may deem just and
18 equitable in these circumstances.

19 Dated this 30th day of November, 2022.

20 ROSE, SENDERS & BOVARNICK, LLC

21
22 s/ Paul S. Bovarnick

23 Paul S. Bovarnick, OSB #791654
24 of Attorneys for Plaintiff
25 and Trial Attorney
26 Phone: 503-227-2486
E-mail: pbovarnick@rsblaw.net

12/15/2022 1:18 PM
22CV40729

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

LARRY GEORGE,

Plaintiff,

vs.

Case No. **22CV40729**

CERTIFICATE OF SERVICE

INTEL CORPORATION, a Delaware
corporation, and SKANSKA USA BUILDING,
INC., a Delaware,

Defendant.

STATE OF OREGON
County of Multnomah

ss.

I, Mitch Wirth, hereby certify that I am a competent person 18 years of age or older, a resident of the State of Oregon and that I am not a party to nor an attorney for any party in the within named action; that I made service of a true copy of:

Summons and Complaint; Plaintiff's First Request for Production of Documents

CORPORATE SERVICE - Pursuant to ORCP 7D(3):

Upon **INTEL CORPORATION**, by personal service upon Eden Titus, the clerk on duty in the office of the registered agent, CT Corporation System, 780 Commercial Street S.E., Suite 100, Salem, OR 97301 on December 06, 2022 at 12:09 PM.

I declare under the penalty of perjury that the above statement is true and correct.

Dated this 14th day of December, 2022.



361847

X 

Mitch Wirth
Nationwide Process Service, Inc.
315 W Mill Plain Blvd, Ste. 206
Vancouver, WA 98660
503-241-0636

12/15/2022 1:18 PM
22CV40729

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

LARRY GEORGE,

Plaintiff,

vs.

Case No. **22CV40729**

CERTIFICATE OF SERVICE

INTEL CORPORATION, a Delaware
corporation, and SKANSKA USA BUILDING,
INC., a Delaware,

Defendant.

STATE OF OREGON
County of Multnomah

ss.

I, Mitch Wirth, hereby certify that I am a competent person 18 years of age or older, a resident of the State of Oregon and that I am not a party to nor an attorney for any party in the within named action; that I made service of a true copy of:

Summons and Complaint; Plaintiff's First Request for Production of Documents

CORPORATE SERVICE - Pursuant to ORCP 7D(3):

Upon **SKANSKA USA BUILDING, INC.**, by personal service upon Miranda Groom, the clerk on duty in the office of the registered agent, Corporation Service Company, 1127 Broadway St. NE, Suite 310, Salem, OR 97301 on December 06, 2022 at 12:09 PM.

I declare under the penalty of perjury that the above statement is true and correct.

Dated this 14th day of December, 2022.



361846

X 

Mitch Wirth
Nationwide Process Service, Inc.
315 W Mill Plain Blvd, Ste. 206
Vancouver, WA 98660
503-241-0636